

INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP2004/010997

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12Q1/02 A23L1/308

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 C12Q A23L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, BIOSIS, EMBASE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	SMIRICKY-TJARDES M R ET AL: "Dietary galactooligosaccharides affect ileal and total-tract nutrient digestibility, ileal and fecal bacterial concentrations, and ileal fermentative characteristics of growing pigs." JOURNAL OF ANIMAL SCIENCE, vol. 81, no. 10, October 2003 (2003-10), pages 2535-2545, XP002313476 ISSN: 0021-8812 the whole document ----- -/-	1-14

 Further documents are listed in the continuation of box C. Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the International filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the International filing date but later than the priority date claimed

- *T* later document published after the International filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

21 January 2005

Date of mailing of the international search report

23/02/2005

Name and mailing address of the ISA

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	PALFRAMAN R ET AL: "Development of a quantitative tool for the comparison of the prebiotic effect of dietary oligosaccharides." LETTERS IN APPLIED MICROBIOLOGY. 2003, vol. 37, no. 4, 2003, pages 281-284, XP002313465 ISSN: 0266-8254 cited in the application the whole document	1-14
Y	OLANO-MARTIN E ET AL: "Comparison of the in vitro bifidogenic properties of pectins and pectic-oligosaccharides" JOURNAL OF APPLIED MICROBIOLOGY, vol. 93, no. 3, 2002, pages 505-511, XP002313467 ISSN: 1364-5072 cited in the application abstract page 508, column 1, paragraph 6 - page 509, column 1, paragraph 1	1-14
Y	FEMIA ANGELO PIETRO ET AL: "Antitumorigenic activity of the prebiotic inulin enriched with oligofructose in combination with the probiotics <i>Lactobacillus rhamnosus</i> and <i>Bifidobacterium lactis</i> on azoxymethane-induced colon carcinogenesis in rats." CARCINOGENESIS (OXFORD), vol. 23, no. 11, November 2002 (2002-11), pages 1953-1960, XP002314109 ISSN: 0143-3334 the whole document	1-14
P, X	VULEVIC JELENA ET AL: "Developing a quantitative approach for determining the in vitro prebiotic potential of dietary oligosaccharides" FEMS MICROBIOLOGY LETTERS, vol. 236, no. 1, July 2004 (2004-07), pages 153-159, XP002313418 ISSN: 0378-1097 the whole document	1-14

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Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:

2. Claims Nos.: 15-19 because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210

3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple Inventions in this International application, as follows:

1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.

2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.

3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:

4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

The additional search fees were accompanied by the applicant's protest.
 No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.2

Claims Nos.: 15-19

Claims 15, 16 and 19 are not clear (article 6 PCT), as the prebiotic employed in the preparation of the pharmaceutical composition is not clearly defined although it represents an essential feature of the claimed methods and systems. Claim 16 is also unclear because the phrase "means for quantifying the effect of a fiber on faecal bacteria and identification of a prebiotic" is vague and does not have a precise meaning. For this reason, no search has been performed on claims 15-19.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.